

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THE UTILITIES BOARD
OF TUSKEGEE,

Plaintiff,

V.

3M COMPANY, *et al.*,

Defendants.

CASE NO. 2:22-CV-420-WKW
[WO]

ORDER

Before the court is Plaintiff's Notice of Voluntary Dismissal of Defendant Corteva, Inc. (Doc. # 26.) Plaintiff invokes Rule 41 of the Federal Rules of Civil Procedure, but Rule 41 is not the proper procedural basis for dismissing a single defendant in a multi-defendant action. *See Perry v. Schumacher Grp. of La.*, 891 F.3d 954, 956 (11th Cir. 2018) ("Rule 41(a)(1), according to its plain text, permits voluntary dismissals only of entire 'actions,' not claims.").

One procedural avenue for achieving Plaintiff’s objective is through Rule 21 of the Federal Rules of Civil Procedure, which provides that, “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21; *see also Corley v. Long-Lewis, Inc.*, 965 F.3d 1222, 1237 (11th Cir. 2020) (W. Pryor, C.J., concurring) (acknowledging the district court’s “great discretion” to employ Rule 21 to drop a party) (citation and quotation marks omitted); *see*

generally Fed. R. Civ. P. 1 (providing that the procedural rules “should be construed, administered, and employed by the court . . . to secure the just, speedy, and inexpensive determination of every action”). Accordingly, in the interest of justice, it is ORDERED that the Notice of Voluntary Dismissal (Doc. # 26) is construed as a Motion to Drop a Party under Rule 21, and the construed motion to drop Corteva, Inc., as a party is GRANTED.

Finding no just reason for delay, *see* Fed. R. Civ. P. 54(b), judgment shall be entered dismissing Corteva, Inc., with prejudice. The Clerk of the Court is DIRECTED to terminate Defendant Corteva, Inc., as a party.

DONE this 18th day of October, 2022.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE